

Amendment No. 1 to SB3761

Norris
Signature of Sponsor

AMEND Senate Bill No. 3761*

House Bill No. 3854

by deleting all language after the enacting clause and by substituting instead the following:

SECTION 1. Tennessee Code Annotated, Title 4, Chapter 7, is amended by adding Sections 2 through 7 of this act as new part 4 thereto.

SECTION 2. It is the intent of the general assembly that all members of the Tennessee highway patrol are encouraged to carry out the obligations and privileges of citizenship. The general assembly also recognizes that limiting certain political activities of members of the Tennessee highway patrol enhances the public confidence in the highway patrol and increases the satisfaction of members of the highway patrol.

SECTION 3. A member of the Tennessee highway patrol may:

- (1) Register to vote, vote, and express his or her personal opinions on political candidates and issues, provided such personal opinions are not represented as being the policy of the Tennessee highway patrol;
- (2) Make monetary political contributions;
- (3) Attend political meetings, rallies or conventions when not in uniform;
- (4) Sign petitions for specific legislative action or to place a candidate's name on an official election ballot if the signing does not obligate the member to engage in partisan political activity and is done as a private citizen; and
- (5) Display political stickers on such member's personal motor vehicle.

SECTION 4. A member of the Tennessee highway patrol shall not:

- (1) Use his or her official authority or influence to:
 - (A) Interfere with an election; affect the course or outcome of an election;
 - (B) Solicit votes for a particular candidate or issue; or
 - (C) Require political contributions from others;

(2) Be a candidate for, hold, or exercise the functions of public office except as otherwise provided in this act;

(3) Be a candidate for public office in state or local government, except as provided in Section 5 of this act; or engage in public or organized soliciting of others to become partisan candidates for nomination or election to public office;

(4) Participate in partisan political management, campaigns, or conventions, unless as a spectator when not in uniform, or make public speeches at such meetings;

(5) Make a contribution to another member of the Tennessee highway patrol, a law enforcement officer or an employee of state or local government, excluding candidates for public office, for the purpose of promoting a partisan political objective or cause, including a political campaign;

(6) Solicit or receive a contribution from another member of the Tennessee highway patrol, a civilian officer or an employee of state or local government for the purpose of promoting a political objective or cause, including a political campaign;

(7) Allow or cause to be published a partisan political article signed or written by the member that solicits votes for or against a partisan political party, candidate, or cause;

(8) Serve in any official capacity or be listed as a sponsor of a partisan political club;

(9) Speak before a partisan political gathering regarding any political subject, including any gathering that promotes a partisan political party, candidate, or cause;

(10) Participate in any radio, television, or other program or group discussion as an advocate for or against a partisan political party, candidate, or cause;

(11) Conduct a political opinion survey under the auspices of a partisan political group or distribute partisan political literature;

(12) Perform clerical or other duties for a partisan political committee during a campaign or on an election day;

(13) Solicit or otherwise engage in fundraising activities in state or local offices or facilities, including military reservation, for a partisan political cause or candidate;

(14) March or ride in a partisan political parade;

(15) Participate in any organized effort to provide voters with transportation to the polls if the effort is organized by, or associated with, a partisan political party or candidate;

(16) Sell tickets for, or otherwise actively promote, partisan political dinners and similar fundraising events;

(17) Attend partisan political events as an official representative of the Tennessee highway patrol; or

(18) Be present at partisan events in uniform, unless as part of a gubernatorial security detail by written order at least twenty-four (24) hours in advance of the event.

SECTION 5. A member may not be a nominee or a candidate for a local, nonpartisan, elected office unless such member is on an approved leave of absence.

SECTION 6. This act shall not prohibit participation in local nonpartisan political campaigns, initiatives, or referendums. A member taking part in local nonpartisan political activity, however, shall not:

(1) Wear a uniform or use any government property or facilities while participating;

(2) Allow such participation to interfere with, or prejudice, the member's performance of duties; or

(3) Engage in conduct that in any way implies that the Tennessee highway patrol has taken an official position on, or is otherwise involved in, the state or local political campaign or issue.

SECTION 7. Members of the Tennessee highway patrol engaging in permissible political activities shall:

- (1) Give full time and attention to the performance of their duties during prescribed duty hours;
- (2) In accordance with Section 4, avoid any outside activities that are likely to bring discredit upon the highway patrol; and
- (3) Refrain from participating in any political activity while in uniform, or using government facilities or resources for furthering political activities.

SECTION 8. If any provision of this act or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of the act which can be given effect without the invalid provision or application, and to that end the provisions of this act are declared to be severable.

SECTION 9. This act shall take effect July 1, 2006, the public welfare requiring it.